*** HON'BLE SRI JUSTICE B.PRAKASH RAO**

+ WRIT PETITION Nos.25504 of 1995, 1420 of 1996, 13073 of 1999, 25525 of 2000, 10164, 14460, 14480, 14778, 16133 and 20930 of 2002, 3353 of 2004

%15.03.2005

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 # WRIT PETITION No.25504 of 1995:

Between:

1 Gandham Vajramma W/o Late Nageswara rao, Hindu
R/o.Nuzvid,Krishna dist.
2 Gandham Bhaskara Rao S/o Late Nageswara rao
Cultivation R/o.Nuzvid,Krishna dist.
3 Gandham Narasimarao S/o Late Bala Mohan Rao
R/o.Nuzvid,Krishna dist.
4 Gandham Mohan Rao S/o. Jagannadha Rao
R/o.Chanubanda,Chatrai Mandal, krishna Dist.
5 Gandham Satya Sree Hanumantharao S/o.Late Subbarao
R/o.Vissannapeta, Krishna dist.

...PETITIONERS.

AND

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1 The Commissioner of Survey, Settlements and Land Records,
Nampally Station Road, Hyderabad.
2 The Director of Settlements IV Floor,
Ganganvihar M.J.Road,
Hyderabad.
3 The Joint Collector-Cum-Settlement Officer,
Krishna at Machilipatnam.
4 The Mandal Revenue Officer,
Chatrai krishna Dist.,

...RESPONDENTS.

@Counsel for the Petitioner: MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

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WRIT PETITION NO.1420 of 1996

Between:

#Adavi Soma Sunder Rao S/o. Syamalaraju
Rayannapalem (PO) Pedavogi Mandal
West Godavari Dist

..... PETITIONER

AND

$1 The Commissioner of Survey, Settlements & Land Records
Nampally Station Road, Hyderabad
2 The Director of Settlements
M.J.Road, IV Floor, Gaganvihar Hyderabad
3 The Joint Collector cum Settlement Officer
Krishna Dist
4 The Mandal Revenue Officer
Chatrai, Krishna Dist

....RESPONDENTS.

@Counsel for the Petitioner:MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 13073 of 1999

Between:

#Avuthu Tatireddy (Since Died) being his sole legal respresen -tative.Avuthu Nagirddy , S/o Tatireddy,
resident of Nunna Village, Vijayawada Rural Mandal,
Krishna District.

..... PETITIONER

AND

$1 The Commissioner, Survey and Settlement and Land Records
Hyderabad. A.P.
2 The Commissioner, Director of Settlements, Andhra Pradesh,
Hyderabad. A.P.
3 The Settlement Officer
Eluru. West Godavari District.
4 Mandal Revenue Officer Vijaywada(Rural)
Krishna District.

.....RESPONDENTS.

@Counsel for the Petitioner: MR.D.GOPAL RAO

^Counsel for the Respondents:GP FOR REVENUE

WRIT PETITION NO : 20930 of 2000

Between:

#Kinjarapu Ramamurthy Naidu, S/o.Jagannatham Naidu,
R/o.Venkatapuram, Komira Post,
Regidi Amudalavalasa Mandal, Via. Palakonda, Srikakulam District.

..... PETITIONER

AND

$1 The Commissioner of Appeals, O/o Chief Commissioner of Land Administration,
Station Road, Hyderabad-1.
2 The Director of Settlements,
Gagan Vihar-IVth floor, Opposite Gandhi Bhavan,
Hyderabad.
3 The Joint Collector-cum-Settlement Officer,
Srikakulam, P.O.,
4 The Mandal Revenue Officer, Regidi Amudalavalasa,
Srikakulam District.

.....RESPONDENTS.

@Counsel for the Petitioner: MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 25525 of 2000

Between:

#Miriyala Pullarao, S/o. Venkatrao,
R/o. Bayyannagudem, Koyyalagudem Mandal,
West Godavari District.

..... PETITIONER

AND

$1 The Commissioner of Appeals,

O/o. The Chief Commissioner, Land Administration,
Andhra Pradesh, Hyderabad.
2 The Director of Settlements, Andhra Pradesh,
4th Floor, Gagana Vihar,
Opposite Gandhi Bhavan, Hyderabad-1.
3 The Settlement Officer,
Eluru now the Joint Collector cum Settlement Officer, Eluru.
4 The M.R.O.,
Koyyalagudem, W.G.District.

.....RESPONDENTS.

@Counsel for the Petitioner:MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR Revenue

WRIT PETITION NO : 10164 of 2002

Between:

#Bhimavarapu Subbareddy, S/o.Gopireddy, Hindu,
R/o.Nunna, Vijayawada Rural,
Krishna District.

..... PETITIONER

AND

$1 The Commissioner of Appeals, O/o.Chief Commissioner, Land Administration, Station Road, Hyderabad-1.
2 The Director of Settlements,
Gaganvihar, Fourth Floor,
M.J.Road, Hyderabad-1.
3 The Joint Collector-cum-Settlement Officer,
Machilipatnam, Krishna District.
4 The Mandal Revenue Officer,
Vijayawada (Rural), Vijayawada.

.....RESPONDENTS.

@Counsel for the Petitioner: MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 14460 of 2002

Between:

#Kanala Sri Rama Murthy, S/o. Late China Guravaiah,
Eluru.

..... PETITIONER

AND

$1 The Commissioner of Appeals,
O/o. Chief Commissioner, Land Administration,
Station Road, Hyderabad.
2 The Director of Settlements,
Gagan Vihar, IVthe Floor,
M.J.Road, Hyderabad-1.
3 The Settlement Officer-cum-Joint Collector,
Krishna at Machilipatnam.
4 The Mandal Revenue Officer,
Nuzvid.

.....RESPONDENTS.

@Counsel for the Petitioner:MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 14480 of 2002

Between:

#N.Umamaheswara Rao S/p Gopala Krishnaiah
R/o Dawajigudem, Gandhinagar,
Allapuram, Gannavaram, Krishna District

..... PETITIONER

AND

$1 The Commissioner of Appeals,
O/o Chief Commissioner, Land Administration Station Roadd,
Hyderabad.

2 The Director of Settlements,
Gaganavihar, 4th Floor,
M.J.Road, Hyderabad-1
3 The Settlements Officer-cum-Joint Collector,
Machilipatnam.
4 Mandal Revenue Officer,
Gannavaram, Krishna District.

.....RESPONDENTS.

@Counsel for the Petitioner:MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 14778 of 2002

Between:

#1 Kinjarapu Ramamurthy Naidu S/o. Jagannatham Naidu
R/o. Venkatapuram, Komira Post, Regidi Amudalavalsasa
Mandal, Via Palakonda, Srikakulam District.
2 Kinjarapu Koti Suryaprakasam S/o. Suryanarayana Naidu
R/o. Venkatapuram, Komira Post, Regidi Amudalavalsasa
Mandal, Via Palakonda, Srikakulam District.

..... PETITIONERS.

AND

$1 The Commissioner of Appeals,
O/o Chief Commissioner of Land Administration, Station Road,
Hyderabad-1.
2 The Director of Settlements,
Gagan Vihar-IVth Floor, Opposite Gandhi Bhavan,
Hyderabad.
3 The Joint Collector-cum-Settlement Officer,
Srikakulam P.O.
4 The Mandal Revenue Officer,
Regidi Amudalavalasa, Srikakulam District.

.....RESPONDENTS.

@Counsel for the Petitioners:MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

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WRIT PETITION NO : 16133 of 2002

Between:

#Mudunuri Viswanadha Raju,

S/o Satya Raju, Hindu, aged 57 years, Occu: Cultivation, r/o Tamirisa Village, Nandiwada Mandal, Krishna District.

..... PETITIONER

AND

$1 The Commissioner of Appeals,
O/o Chief Commissioner, Land Asministration Station Rd,
Hyderabad.
2 The Director of Settlements,
Gaganavihar, 4th Floor,
M.J.Road, Hyderabad-1
3 The Settlements Officer-cum-Joint Collector, Krishna District,
Machilipatnam.
4 The Mandal Revenue Officer,
Nuzvid.

.....RESPONDENTS

@Counsel for the Petitioner:MR.A.RANGACHARYULU

^Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 3353 of 2004

Between:

#1 Bantu Krishna Rao, S/o Veerayya
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
2 Bantu Raghavulu, S/o Veerayya
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
3 Bantu Swamy, S/o Veerayya
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
4 Bantu Ravindra Rao, S/o Venkataswamy
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
5 Bantu Devendra Raju S/o Venkataswamy
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
6 Bantu Vijay Babu S/o Krishna Rao
doing cultivation and residents of Mudicherla Bapulapadu

Mandal, Krishna District
7 Bantu Ambedkar Kumar, S/o Krishna Rao
doing cultivation and residents of Mudicherla Bapulapadu
Mandal, Krishna District
8 Bantu Durga Rao S/o Raghavulu
doing cultivation and residents of Mudicherla Bapulapadu
Mandal, Krishna District

..... PETITIONERS.

AND

$1 Commissioner, Appeals, Office of the Chief Commissioner Land Administration, A.P., Station road, Hyderabad
2 The Director of Settlements, Gangan vihar, IV Floor,M.J. road, Hyderabad.
3 The Joint Collector cum Settlement Officer, Krishna At Machilipatnam.
4 Mandal Revenue Officer, Bupulapadu, Krishna District

.....RESPONDENTS.

@Counsel for the Petitioners:MR.A.Rangacharyulu

^Counsel for the Respondents: GP FOR REVENUE

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> HEAD NOTE:

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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos.25504 of 1995, 1420 of 1996, 13073 of 1999, 25525 of 2000, 10164, 14460, 14480, 14778, 16133 and 20930 of 2002, 3353 of 2004

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WRIT PETITION No.25504 of 1995:

Between:

1 Gandham Vajramma W/o Late Nageswara rao, Hindu
R/o.Nuzvid,Krishna dist.
2 Gandham Bhaskara Rao S/o Late Nageswara rao
Cultivation R/o.Nuzvid,Krishna dist.
3 Gandham Narasimarao S/o Late Bala Mohan Rao
R/o.Nuzvid,Krishna dist.
4 Gandham Mohan Rao S/o. Jagannadha Rao
R/o.Chanubanda,Chatrai Mandal, krishna Dist.
5 Gandham Satya Sree Hanumantharao S/o.Late Subbarao
R/o.Vissannapeta, Krishna dist.

...PETITIONERS.

AND

1 The Commissioner of Survey, Settlements and Land Records,
Nampally Station Road, Hyderabad.
2 The Director of Settlements IV Floor,
Ganganvihar M.J.Road,
Hyderabad.
3 The Joint Collector-Cum-Settlement Officer,
Krishna at Machilipatnam.
4 The Mandal Revenue Officer,
Chatrai krishna Dist.,

...RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CSS&LR'S.Ref.No.P2/1673/91, dt:5-10-1995 communicated through Memo.No.CSS&LR'SNO.P2/1673/91,DT.20-10-1995 from the Commissioner of Survey, Settlements & Land Records, Hyderabad and quash the same by the issuance of a writ of certiorari or any other appropriate Writ, order or direction.

Counsel for the Petitioner: MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

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WRIT PETITION NO.1420 of 1996

Between:

Adavi Soma Sunder Rao S/o. Syamalaraju

Rayannapalem (PO) Pedavogi Mandal
West Godavari Dist

..... PETITIONER

AND

1 The Commissioner of Survey, Settlements & Land Records
Nampally Station Road, Hyderabad
2 The Director of Settlements
M.J.Road, IV Floor, Gaganvihar Hyderabad
3 The Joint Collector cum Settlement Officer
Krishna Dist
4 The Mandal Revenue Officer
Chatrai, Krishna Dist

....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CSS & LR's Ref.No.P2/966/89, Dt.13/12/1994 from the Commissioner of Survey, Settlements and Land Records Hyderabad and quash the same by the issuance of a writ of certiorari or any other appropriate writ, order or direction as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 13073 of 1999

Between:

Avuthu Tatireddy (Since Died) being his sole legal respresen -tative.Avuthu Nagirddy , S/o Tatireddy,
resident of Nunna Village, Vijayawada Rural Mandal,
Krishna District.

..... PETITIONER

AND

1 The Commissioner, Survey and Settlement and Land Records
Hyderabad. A.P.
2 The Commissioner, Director of Settlements, Andhra Pradesh,
Hyderabad. A.P.
3 The Settlement Officer
Eluru. West Godavari District.
4 Mandal Revenue Officer Vijaywada(Rural)
Krishna District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, in the nature of Writ of Certiorari, calling for the records connected with the order dated 17/10/1996 in Case No. P2/1415/88 on the file of the Commissioner Survey, Settlements and Land Records, Andhra Pradesh, Hyderbad and quash the same and pass such other and further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.D.GOPAL RAO

Counsel for the Respondents:GP FOR REVENUE

WRIT PETITION NO : 20930 of 2000

Between:

Kinjarapu Ramamurthy Naidu, S/o.Jagannatham Naidu,
R/o.Venkatapuram, Komira Post,
Regidi Amudalavalasa Mandal, Via. Palakonda, Srikakulam District.

..... PETITIONER

AND

1 The Commissioner of Appeals, O/o Chief Commissioner of Land Administration, Station Road, Hyderabad-1.
2 The Director of Settlements,
Gagan Vihar-IVth floor, Opposite Gandhi Bhavan,
Hyderabad.
3 The Joint Collector-cum-Settlement Officer,
Srikakulam, P.O.,
4 The Mandal Revenue Officer, Regidi Amudalavalasa,
Srikakulam District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref.No.P1/1282/98, dt:28.3.2000 communicated by memo dated:6.4.2000 from the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, A.P., Hyderabad and quash the same by the issuance of Writ of Certiorari or any other appropriate writ or order directing the 3rd respondent herein to consider the application on the merits of the case according to law and pass such other order or orders as may be deemed fit and proper in the circumstances of this case.

Counsel for the Petitioner: MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 25525 of 2000

Between:

Miriyala Pullarao, S/o. Venkatrao,
R/o. Bayyannagudem, Koyyalagudem Mandal,
West Godavari District.

..... PETITIONER

AND

1 The Commissioner of Appeals,
O/o. The Chief Commissioner, Land Administration,
Andhra Pradesh, Hyderabad.
2 The Director of Settlements, Andhra Pradesh,
4th Floor, Gagana Vihar,
Opposite Gandhi Bhavan, Hyderabad-1.
3 The Settlement Officer,
Eluru now the Joint Collector cum Settlement Officer, Eluru.
4 The M.R.O.,
Koyyalagudem, W.G.District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref.No.P2/1031/97 dated 2-9-2000 communicated by memo dated 17-10-2000 from the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, A.P. Hyderabad and quash the same by the issuance of a Writ Certiorari or any other appropriate Writ or order directing the 3rd Respondent herein to consider the application on merits of the case according to law, and pass such other order or orders as deem fit and proper in the circumstances of this case.

Counsel for the Petitioner:MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR Revenue

WRIT PETITION NO : 10164 of 2002

Between:

Bhimavarapu Subbareddy, S/o.Gopireddy, Hindu,
R/o.Nunna, Vijayawada Rural,
Krishna District.

..... PETITIONER

AND

1 The Commissioner of Appeals, O/o.Chief Commissioner, Land Administration, Station Road, Hyderabad-1.
2 The Director of Settlements,
Gaganvihar, Fourth Floor,
M.J.Road, Hyderabad-1.
3 The Joint Collector-cum-Settlement Officer,
Machilipatnam, Krishna District.
4 The Mandal Revenue Officer,
Vijayawada (Rural), Vijayawada.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA's Ref.No.P2/1012/2000, dt:11.2.2002 from the Chief Commissioner, Land Administration, A.P.Hyderabad and quash the same by issuing a Writ of Certiorari or any other appropriate writ, order or direction and direct the Settlement Officer to consider my application on the merits of the case and pass.

Counsel for the Petitioner: MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 14460 of 2002

Between:

Kanala Sri Rama Murthy, S/o. Late China Guravaiah,
Eluru.

..... PETITIONER

AND

1 The Commissioner of Appeals,
O/o. Chief Commissioner, Land Administration,
Station Road, Hyderabad.
2 The Director of Settlements,
Gagan Vihar, IVthe Floor,

M.J.Road, Hyderabad-1.
3 The Settlement Officer-cum-Joint Collector,
Krishna at Machilipatnam.
4 The Mandal Revenue Officer,
Nuzvid.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref.No.P2/651/99, dt. 19-2-2002 communicated by letter dt. 28-3-2002 from the Commissioner of Appeals, Office of Chief Commissioner of Land Administration, A.P., Hyderabad and quash the same by the issuance of a Writ of Certiorari or any other appropriate Writ or order directing the 3rd Respondent herein to consider the application on the merits of the case according to law.

Counsel for the Petitioner:MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 14480 of 2002

Between:

N.Umamaheswara Rao S/p Gopala Krishnaiah
R/o Dawajigudem, Gandhinagar,
Allapuram, Gannavaram, Krishna District

..... PETITIONER

AND

1 The Commissioner of Appeals,
O/o Chief Commissioner, Land Administration Station Roadd,
Hyderabad.
2 The Director of Settlements,
Gaganavihar, 4th Floor,
M.J.Road, Hyderabad-1
3 The Settlements Officer-cum-Joint Collector,
Machilipatnam.
4 Mandal Revenue Officer,
Gannavaram, Krishna District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref.No.P2/1537/2000 dt: 21.2.2002 communicated by the Letter dt: 28.3.2002 from the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration A.P., Hyderabad and quash the same by the issuance of the Writ of Certiorari or any other appropriate Writ or order directing the 3rd respondent herein to consider the application on the merits of the

case according to law

Counsel for the Petitioner:MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 14778 of 2002

Between:

1 Kinjarapu Ramamurthy Naidu S/o. Jagannatham Naidu
R/o. Venkatapuram, Komira Post, Regidi Amudalavalsasa Mandal, Via Palakonda, Srikakulam District.
2 Kinjarapu Koti Suryaprakasam S/o. Suryanarayana Naidu
R/o. Venkatapuram, Komira Post, Regidi Amudalavalsasa Mandal, Via Palakonda, Srikakulam District.

..... PETITIONERS.

AND

1 The Commissioner of Appeals,
O/o Chief Commissioner of Land Administration, Station Road,
Hyderabad-1.
2 The Director of Settlements,
Gagan Vihar-IVth Floor, Opposite Gandhi Bhavan,
Hyderabad.
3 The Joint Collector-cum-Settlement Officer,
Srikakulam P.O.
4 The Mandal Revenue Officer,
Regidi Amudalavalasa, Srikakulam District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref.No. P1/1281/98 dt. 28.3.2000 communicated by memo dated 6.4.2000 from the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, A.P. Hyderabad and quash the same by the issuance of Writ of Certiorari or any other appropriate writ or order directing the 3rd respondent herein to consider the application on the merits of the case according to law and pass

Counsel for the Petitioners:MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

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WRIT PETITION NO : 16133 of 2002

Between:

Mudunuri Viswanadha Raju,

S/o Satya Raju, Hindu, aged 57 years, Occu: Cultivation, r/o Tamirisa Village, Nandiwada Mandal, Krishna District.

..... PETITIONER

AND

1 The Commissioner of Appeals,
O/o Chief Commissioner, Land Asministration Station Rd,
Hyderabad.
2 The Director of Settlements,
Gaganavihar, 4th Floor,
M.J.Road, Hyderabad-1
3 The Settlements Officer-cum-Joint Collector, Krishna District,
Machilipatnam.
4 The Mandal Revenue Officer,
Nuzvid.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref. No.P2/1612/2000 Dt.7.01.2002 communicated by the letter Dt.28.03.2002 from the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, A.P. Hyderabad and quash the same by the issuance of a writ of Certiorari or any other appropriate writ or order directing the 3rd respondent herein to consider the application on the merits of the case according to law, and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.RANGACHARYULU

Counsel for the Respondents: GP FOR REVENUE

WRIT PETITION NO : 3353 of 2004

Between:

1 Bantu Krishna Rao, S/o Veerayya
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
2 Bantu Raghavulu, S/o Veerayya
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
3 Bantu Swamy, S/o Veerayya
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
4 Bantu Ravindra Rao, S/o Venkataswamy
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
5 Bantu Devendra Raju S/o Venkataswamy
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
6 Bantu Vijay Babu S/o Krishna Rao
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
7 Bantu Ambedkar Kumar, S/o Krishna Rao
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District
8 Bantu Durga Rao S/o Raghavulu
doing cultivation and residents of Mudicherla Bapulapadu Mandal, Krishna District

..... PETITIONERS.

AND

1 Commissioner, Appeals, Office of the Chief Commissioner Land Administration, A.P., Station road, Hyderabad
2 The Director of Settlements, Gangan vihar, IV Floor,M.J. road, Hyderabad.
3 The Joint Collector cum Settlement Officer, Krishna At Machilipatnam.
4 Mandal Revenue Officer, Bupulapadu, Krishna District

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with CCLA Ref. No. P2/1898/2000 dt 12-2-2002 communicated by the letter dated 28-3-2002 from the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, A.P. Hyderabad and quash the same by the issuance of Writ of Cartiorari or any other appropriate Writ or order directing the 3rd respondent herein to consider the application on the merits of the case according to law

Counsel for the Petitioners:MR.A.Rangacharyulu

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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COMMON ORDER:

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Heard Sri A.Rangacharyulu, the learned counsel appearing on behalf of the petitioners and the learned Government Pleader for Revenue (General) appearing on behalf of the respondents.

Since common questions are involved in all these writ petitions, the same are being taken up together for disposal.

The main point which arises for an adjudication in all these cases is as to whether the provision for condonation of delay under Section 5 of the Limitation Act is applicable to the proceedings under the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 ?

The few facts which are necessary for disposal of these cases are that the petitioners herein filed applications under Section 11(a) of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short 'the Act') seeking for grant of patta which was initially negatived. Against which, they filed appeals before the first respondent herein with applications under Section 5 of the Limitation Act for condonation of delay in filing thereof. The main ground urged on behalf of the petitioners was that having regard to the fact that possession is in their favour, they are entitled for grant of patta. It was urged that as they are illiterates and living in a remote village, they were not aware of the notifications, apart from several

other reasons given in support to seek condonation of delay. However, the appellate authority namely the first respondent in all these cases, rejected the said applications on the ground that they have no power or jurisdiction to condone the delay inasmuch as the Government in G.O.Ms.No.400 Revenue, dated 24.04.1993 had taken away such power which was previously conferred on them in G.O.Ms.No.551, dated 19.05.1986.

Sri A.Rangacharyulu, the learned counsel appearing on behalf of the petitioners submits that having regard to the special Rule made on 17.10.1950 under Section 67(2) © of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 applying the provisions of the Limitation Act for the purpose of proceedings under the Act, it cannot be said that the Limitation Act has no application. The said Rule specifically contemplates that Sections 4, 5 12(1) and (2), 17(1) and 18 of the Limitation Act, 1908 shall apply to all the proceedings under the said Act. Further, it is pointed out that having regard to the change as brought under Section 29(2) of the Limitation Act, 1963 and there is no special exclusion of applicability, it cannot be said that Section 5 of the Limitation Act cannot be made applicable.

The learned Government Pleader appearing on behalf of the respondents submits that having regard to the nature of the provisions and especially there being no specific provision in this regard seeking for condonation of delay, the petitioner cannot press into service the provisions of the Limitation Act.

Considering the submissions made on both the sides and on perusal of the material, coming back to the foreground of the question involved, it is seen that there is no dispute to the fact that the petitioners made their respective applications on various

dates for grant of pattas which were rejected and as against which the appeals were filed before the first respondent with a long delay along with condonation of delay application giving various reasons. However, the sufficiency or otherwise of the reasons have not been gone into by the Settlement Authority, but rejecting the applications only the ground of that no such power exists.

As submitted above, the principal question ultimately boils down to whether the Rule issued under Section 67(2) (C) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, dated 17.10.1950 has to be given effect to or not ?

The undisputed statutory coverage on the issue now confronted is that in exercise of powers conferred under Section 67 (e) of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, a specific rule has been made to the effect that the provisions of Sections 4, 5, 12(1) (2), 17(1) and 18 of the Limitation Act, 1908 shall apply to all the proceedings under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, (26 of 1948) or the Rules made thereunder before the Tribunal, Special Tribunals, authorities and Officers having jurisdiction under the later Act. However, subsequently in pursuance of Rules made in G.O.Ms.50, Revenue (J1) dated 16.01.1974 called as A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Grant of Ryotwari Patta Rules, 1973, made in exercise of powers conferred under Clause D of sub-section (2) of Section 67 read with Section 11 of the A.P. (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948. Rule 4 thereunder contemplates the prescribed period of limitation under its proviso that the Settlement Officer may, for good and sufficient

reason shown by the applicant, entertain any application filed before him after the period of 30 days as aforesaid. Later on as per G.O.Ms.No.911, Revenue (J) Department, dated 15.06.1983 issued by the Government of A.P. by way of an amendment. The aforesaid proviso added to sub Rule (4) of rule 2 of the said rules was omitted. However, again as per G.O.Ms.No.551, Revenue (J) Department, dated 19.05.1986, a further amendment was made to the said rules in G.O.Ms.No.50, Revenue (J1), dated 16.01.1974 whereby in place of sub rule (4) of rule 2, a proviso was added to the effect that the Settlement Officer may condone the delay if such delay is caused due to the pendency of a dispute in a court or for good and sufficient reasons shown by the applicant for the delay caused and thereafter entertain an application filed before him after the said period of thirty days. Curiously, once again as per G.O.Ms.No.400, Revenue (J A) Department, dated 24.04.1993 in exercise of the very same rule making power, the said second proviso to sub rule (4) of rule 2, which was added, was omitted. Thus, by inclusion and exclusion, there have been varying stands statutorily by the Government in regard to the power to condone the delay in filing the application before the Settlement Officer. Be that as it may, however, the fact remains that the earliest notification issued as aforesaid in the supplement part-I of the Fort St. George Gazette, dated 17.11.1950, in exercise of powers under sub-section (2) of Section 67 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Act XXVI of 1948) whereby the provisions of Sections 4, 5, 12(1) and (2), 17(1) and 18 of the Limitation Act were made applicable before the Tribunals, Special Tribunals, Authorities and Officers having jurisdiction under the said Act are still in force and are not in any way tinkled with by any exercise of statutory power. In fact, having regard to such provision

being made as long back as on 17.11.1950, the subsequent amendment as sought to be ushered in and taken out is virtually futile exercise. There is no dispute raised on behalf of the respondents herein to show that the said rule made under notification dated 17.11.1950 is in any way has undergone any statutory oblivion. In view of the same, necessarily it follows that the provisions of Section 5 of the Limitation Act apart from the other provisions made therein would have ample application to all the proceedings before all the authorities as constituted under the said Act.

Even otherwise, it is very relevant to note the subsequent provisions of Section 29(3) of the Limitation Act, 1963 which contemplates that unless and until the provisions of the Limitation Act are excluded by any special or local law, the same cannot be excluded in its application. Admittedly, there is no provision under the provisions of the Madras Estates (Abolition and Conversion of Ryotwari) Act 1948 excluding the application of the provisions of Section 5 or other provisions as stated above to the proceedings under the Act before any authority at any stage. In view of the same, necessarily it also follows that in the absence of any such exclusion, the provisions of Section 5 of the Limitation Act can as well be pressed into service though of course subject to the satisfaction and sufficient reasons shown in support of any entitlement for such indulgence. Though, various authorities have cited across the bar in regard to the interpretation of Section 29(2) of the Limitation Act, 1963, however, it is not necessary to delve into the same in view of the findings given

earlier.

In view of the aforesaid reasons and on hearing the counsel appearing on either side, it has to be held that Section 5 of the Limitation Act is applicable to all the proceedings, which arise under the aforesaid Act, and the same has to be considered on merits.

The writ petitions are accordingly allowed setting aside the impugned orders. The first respondent shall dispose of the applications filed by the petitioners in the appeals afresh on merits in accordance with law after giving notice and opportunity to both the sides. No costs.

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B. PRAKASH RAO, J

15th March 2005.

Chvn.

Note:

L.R. copy to be marked.

That Rule NISI has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday the Fifteenth day of March Two thousand and five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

One Fair Copy to the Hon'ble Sri Justice B.Prakash Rao

(For His LordShips kind perusal)

To

1 The Commissioner of Survey, Settlements and Land Records,
Nampally Station Road, Hyderabad.
2 The Director of Settlements IV Floor,
Ganganvihar M.J.Road,
Hyderabad.
3 The Joint Collector-Cum-Settlement Officer,
Krishna at Machilipatnam.
4 The Mandal Revenue Officer,
Chatrai krishna Dist.,

5 The Commissioner of Appeals, O/o The Chief Commissioner of Land Administration, Station Road, Hyderabad-1.
6 The Joint Collector-cum-Settlement Officer,

Srikakulam, P.O.,
7 The Mandal Revenue Officer, Regidi Amudalavalasa,
Srikakulam District.

8 The Commissioner of Appeals, O/o.Chief Commissioner, Land Administration, Station Road, Hyderabad-1.
9 The Mandal Revenue Officer,
Vijayawada (Rural), Vijayawada.

10 Mandal Revenue Officer,
Gannavaram, Krishna District.

11. The Mandal Revenue Officer,
Nuzvid.

12. Mandal Revenue Officer, Bupulapadu, Krishna District

13. The Settlement Officer
Eluru. West Godavari District.
14. The Settlement Officer,
Eluru now the Joint Collector cum Settlement Officer, Eluru.
15. The M.R.O., Koyyalagudem, W.G.District.

16. 8 LR Copies.

17. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.

18. The Secretary, A.P. Advocates Association Library, High Court of A.P., Hyderabad.

19. The Commissioner, Director of Settlements, Andhra Pradesh at Hyderabad.